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May 26, 2023

VIA ECF

Hon. Gregory H. Woods
United State District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al.,
No. 1:22-cv-10185-GHW-GWG

Dear Judges Woods and Gorenstein:

We represent Defendant G1 Execution Services LLC (“G1X”) in the above-captioned action and write in response to Northwest Biotherapeutics, Inc.’s (“NWBO”) May 25, 2023 letter, in which NWBO purported to substitute the 208-page Exhibit 1 to its Amended Complaint with an equally long revised exhibit. Like the other defendants, G1X believes that NWBO cannot simply substitute the core exhibit underlying its Amended Complaint through a letter to the Court, but instead must comply with Rule 15 if it seeks to amend the Amended Complaint. Fed. R. Civ. P. 15(a)(2). Where, as here, a party seeks to amend its pleading a second time, it must obtain leave of court. *See id.* Indeed, amendment is required even where the changes at issue are merely typographical.¹

¹ See, e.g., *Env’t Sols. Assocs. Grp., LLC v. Conopoco, Inc.*, 2021 WL 2075586, at *1 (S.D.N.Y. May 24, 2021) (“[T]he Court previously granted leave for Plaintiff to refile the Complaint to correct a typographical error”); *Comm’n Workers of Am., AFL-CIO v. NYNEX Corp.*, 1998 WL 85323, at *1 (S.D.N.Y. Feb. 26, 1998) (“[M]otion for leave to amend the complaint to correct the typographical error with respect to paragraph 23 of the complaint is granted”); *Kennedy v. Covidien, LP*, 2019 WL 1429979, at *1 (S.D.N.Y. Mar. 29, 2019) (“Plaintiff requests leave to amend the Complaint to remedy certain material typographical errors”).

Hon. Gregory H. Woods, Hon. Gabriel W. Gorenstein
May 26, 2023
Page 2

NWBO already amended its complaint once as of right. To the extent NWBO seeks to alter the Amended Complaint or exhibits it filed on April 10, 2023, G1X respectfully submits that NWBO must follow the procedures required by Rule 15(a)(2).

Respectfully submitted,

/s/ Marjorie J. Pearce

Marjorie J. Pearce

MJP/mm